

HOUSE HEALTH AND GOVERNMENT AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 544

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE PUBLIC  
ASSISTANCE ACT TO REQUIRE REPORTING OF CERTAIN MEDICAL  
ASSISTANCE DATA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2-1 NMSA 1978 (being Laws 1973,  
Chapter 376, Section 1) is amended to read:

"27-2-1. SHORT TITLE.--Sections [~~1 through 20 of this act~~  
~~and Sections 13-1-9, 13-1-10, 13-1-12, 13-1-13, 13-1-17,~~  
~~13-1-18, 13-1-18.1, 13-1-19, 13-1-20, 13-1-20.1, 13-1-21,~~  
~~13-1-22, 13-1-27, 13-1-27.2, 13-1-27.3, 13-1-27.4, 13-1-28,~~  
~~13-1-28.6, 13-1-29, 13-1-30, 13-1-34, 13-1-35, 13-1-37,~~  
~~13-1-39, 13-1-40, 13-1-41 and 13-1-42 NMSA 1953]~~ 27-2-1 through  
27-2-34 NMSA 1978 may be cited as the "Public Assistance Act"."

Section 2. Section 27-2-2 NMSA 1978 (being Laws 1973,

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1 Chapter 376, Section 2, as amended) is amended to read:

2 "27-2-2. DEFINITIONS.--As used in the Public Assistance  
3 Act:

4 A. "department" means the human services  
5 department;

6 B. "board" means the human services department;

7 C. "director" means the secretary of human  
8 services;

9 D. "local office" means the county or district  
10 office of the human services department;

11 E. "public welfare" or "public assistance" means  
12 any aid or relief granted to or on behalf of an eligible person  
13 under the Public Assistance Act and regulations issued pursuant  
14 to that act;

15 F. "applicant" means a person who has applied for  
16 assistance or services under the Public Assistance Act;

17 G. "recipient" means a person who is receiving  
18 assistance or services under the Public Assistance Act;

19 H. "federal act" means the federal Social Security  
20 Act, as may be amended from time to time, and regulations  
21 issued pursuant to that act; [~~and~~]

22 I. "secretary" means the secretary of human  
23 services;

24 J. "medical assistance program" means health care  
25 coverage or assistance that the department provides pursuant to

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1 the Public Assistance Act; and

2 K. "report" means to post prominently and make  
3 easily accessible on the department's internet web site."

4 Section 3. A new section of the Public Assistance Act is  
5 enacted to read:

6 "[NEW MATERIAL] REQUIRED REPORTING.--

7 A. The department shall report within thirty days  
8 of filing any plans, state plan amendments, waiver proposals or  
9 amendments it has filed and any documentation of any public  
10 input that was obtained as required by the United States  
11 department of health and human services centers for medicare  
12 and medicaid services for any medical assistance program. The  
13 department shall also report any correspondence, reports or  
14 reviews with the centers for medicare and medicaid services  
15 that the director of the medical assistance division of the  
16 department deems to have a significant impact on any medical  
17 assistance program.

18 B. The department shall report annually and within  
19 thirty days of any change in the per-member per-month  
20 capitation rate by rate cohort for each contract that the  
21 department enters into to provide medical assistance pursuant  
22 to the Public Assistance Act. When the individual contracts  
23 that the department enters into offer rates that differ from  
24 each other, the average capitation shall be reported for each  
25 rate cohort and not the rates pursuant to each of the

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1 individual contracts. The department shall report annually the  
2 average per-member per-month expenditure by rate cohort for  
3 medical assistance programs directly administered by the  
4 department. The department shall report annually for each  
5 medical assistance program the percentage of total expenditures  
6 that the department and the person with whom it contracts spend  
7 on administrative expenses, exclusive of health care services  
8 provided to individual members. The department shall define  
9 "administrative expenses" when reporting on administrative  
10 expenses.

11 C. The department shall report on a monthly basis:

12 (1) enrollment and demographic data on  
13 individuals in each medical assistance program, which is  
14 routinely collected and tabulated by the department; and

15 (2) data on employer involvement in medical  
16 assistance, where applicable, including the number of  
17 participating employers, their size by number of employees,  
18 their geographic location by county and their financial  
19 contributions.

20 D. The department shall report on a quarterly basis  
21 budget projections and actual expenditures by program and all  
22 actuarial analyses related to medical assistance programs.

23 E. The department shall report annually all  
24 information that is currently provided to the department or  
25 routinely collected on utilization, quality and performance

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1 data for each medical assistance program."

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